

Eric J. Neiman, OSB #823513
Eric.Neiman@lewisbrisbois.com
Sharon C. Peters, OSB #041305
Sharon.Peters@lewisbrisbois.com
Eric Werner, OSB #213834
Eric.Werner@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
888 SW Fifth Avenue, Suite 900
Portland, Oregon 97204-2025
Telephone: 971.712.2800
Facsimile: 971.712.2801

Attorneys for Providence Health & Services -
Oregon

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL M. OWENS, M.D.,

Plaintiff,

vs.

THE OREGON CLINIC, P.C., an Oregon
professional corporation; and PROVIDENCE
HEALTH & SERVICES - OREGON, an
Oregon nonprofit corporation dba
PROVIDENCE ST. VINCENT MEDICAL
CENTER,

Defendants.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367 1441,
and 1446

(Multnomah County Circuit Court Case
No. 21CV33161)

Defendant Providence Health & Services – Oregon dba Providence St. Vincent Medical Center (“PSVMC”) gives notice that it is removing this action from Multnomah County Circuit Court to the United States District Court for the District of Oregon pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446 for the following reasons:

4863-3973-4294.1

1. This court has federal question jurisdiction under 28 U.S.C. § 1331 because plaintiff's lawsuit alleges that defendant PSVMC and defendant The Oregon Clinic, P.C. violated the Sherman Act, 15 U.S.C. § 1.

2. The court further has federal question jurisdiction under 28 U.S.C. § 1331 because plaintiff's lawsuit alleges that PSVMC failed to follow the procedures required under the Health Care Quality Improvement Act (HCQIA), 42 U.S.C. § 10001, *et. seq.*, and further alleges that immunity under that federal law does not apply.

3. This court has supplemental jurisdiction over the remaining state law claims under 28 U.S.C. § 1367 because the claims are so related to the original jurisdiction claim that they are part of the same case or controversy.

4. Plaintiff filed the Second Amended Complaint, which included the claims alleging violation of the Sherman Act and HCQIA, and first making the case removable, on March 17, 2022.

5. PSVMC and defendant The Oregon Clinic, P.C. were served with the Second Amended Complaint on March 17, 2022.

6. This Notice of Removal was filed within 30 days of service on PSVMC of the Second Amended Complaint, from which the case first became removable. Therefore, the Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3).

7. PSVMC has given the Multnomah County Circuit Court notice that this case has been removed to the United States District Court. *See* Exhibit 1.

8. PSVMC has attached copies of all process, pleadings and orders served upon it and on file with the Multnomah County Circuit Court in compliance with 28 U.S.C. § 1446(a). A copy of the court docket is also attached. *See* Exhibit 2.

9. Defendant The Oregon Clinic, P.C. consents to removal of this action.
10. PSVMC has served upon Plaintiff a copy of this notice.

DATED this 30th day of March, 2022.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: s/ Sharon C. Peters

Eric J. Neiman, OSB #823513

Eric.Neiman@lewisbrisbois.com

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Eric Werner, OSB #213834

Eric.Werner@lewisbrisbois.com

*Attorneys for Providence Health & Services -
Oregon*

CERTIFICATE OF SERVICE

I certify that I served the foregoing **NOTICE OF REMOVAL** on the following attorneys
by the method indicated below on the 30th day of March, 2022:

Attorneys for Plaintiff:

Jack L. Caynon
Timothy J. Coleman
Sean McClendon
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205
tcoleman@sussmanshank.com
jcaynon@sussmanshank.com
astennick@sussmanshank.com
asalcedo@sussmanshank.com
smcclendon@sussmanshank.com

_____ Via First Class Mail
_____ Via Federal Express
_____ Via Facsimile
_____ ✓ Via CM/ECF
_____ ✓ Via E-Mail

***Attorneys for The Oregon Clinic,
P.C.:***

Christie Totten
Davis Wright Tremaine LLP
1300 SW 5th Ave., Ste. 2400
Portland, OR 97201
carolbernick@dwt.com
christietotten@dwt.com
lindseykrause@dwt.com
susanengland@dwt.com
LaurenDavis@dwt.com
vickifolkestad@dwt.com
cynthiapeek@dwt.com

_____ Via First Class Mail
_____ Via Federal Express
_____ Via Facsimile
_____ ✓ Via CM/ECF
_____ ✓ Via E-Mail

LEWIS BRISBOIS BISGAARD & SMITH LLP

s/ Sharon Peters

Eric J. Neiman, OSB #823513
Sharon C. Peters, OSB #041305
Eric Werner, OSB #213834
*Attorneys for Defendant Providence Health &
Services – Oregon*